

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

SEP 23 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

CHARLES V. CALDER et al.,)

Plaintiffs,)

VS.)

SBC PENSION BENEFIT PLAN et al.,)

Defendants.)

Civil Action No: SA-07-CA-340-XR

ORDER

On this date, the Court considered the status of this case. On April 11, 2008, this Court granted the parties' joint motion to stay pending resolution of the *Wagner* case. The parties have agreed that, "[i]n the event that the claims in *Wagner* are resolved by settlement and that settlement is approved by the *Wagner* Court, Plaintiffs have agreed to dismiss this case." The parties filed a joint status report on September 17 as directed by the Court. Therein, they state that on July 31, 2008, the *Wagner* court preliminarily approved the settlement agreement and provided for notice to be sent to the class. The court further set a final approval hearing on November 21, 2008.

Because all proceedings in this case are stayed pending resolution of the *Wagner* case, this case is appropriate for administrative closure. *CitiFinancial Corp. v. Harrison*, 453 F.3d 245, 250 (5th Cir. 2006); *Mire v. Full Spectrum Lending, Inc.*, 389 F.3d 163, 167 (5th Cir. 2004) ("District courts frequently make use of this device to remove from their pending cases suits which are temporarily active elsewhere (such as before an arbitration panel) or stayed (such as where a bankruptcy is pending). The effect of an administrative closure is no different from a simple stay").

The Clerk's office is DIRECTED to administratively close this case pending further order of the Court. Though administratively closed, this case will still exist on the docket of this Court and may be reopened upon request of any party or on the Court's own motion. *Mire*, 389 F.3d at 167.

SIGNED this 22nd day of September, 2008.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT COURT